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FM AMEMBASSY KHARTOUM
TO RUEHC/SECSTATE WASHDC IMMEDIATE 4642
INFO RUCNIAD/IGAD COLLECTIVE
RUEHGG/UN SECURITY COUNCIL COLLECTIVE
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C O N F I D E N T I A L SECTION 01 OF 02 KHARTOUM 001212

SIPDIS

NSC FOR MGAVIN, LETIM
DEPT PLS PASS USAID FOR AFR/SUDAN
ADDIS ABABA ALSO FOR USAU

E.O. 12958: DECL: 10/26/2019

TAGS: [PGOV](#) [PINR](#) [SU](#)

SUBJECT: SPLM MAKING PROGRESS ON CPA ISSUES BUT REJECTION
OF TURNOUT REQUIREMENT COULD JEOPARDIZE AGREEMENT ON LAW

Classified By: CLASSIFIED BY DCM MARK ASQUINO FOR REASONS 1.4 B and D.

11. (SBU) Summary: On October 23, while hosting a visit of the South African Vice President, the Sudan People's Liberation Movement (SPLM) held an emergency Polit-Bureau meeting chaired by Government of Southern Sudan (GOSS) President Salva Kiir. The meeting focused on the SPLM boycott of the National Assembly, the referendum law and the next steps for the SPLM in the bilateral and trilateral processes. The SPLM has publicly rejected the two-thirds turnout requirement on the referendum, and announced its continued boycott of the National Assembly until reform of the criminal code and other laws is undertaken. SPLM leadership told us that they are making progress on outstanding CPA issues and plan to streamline the many different CPA processes under one person appointed by Kiir. They also made another call for Interagency Governmental Authority for Development (IGAD) involvement. Similarly on October 26, National Congress Party (NCP) President Advisor Nafi Ali Nafi traveled to Juba to meet with NCP members. The NCP have responded angrily to the SPLM decision to reject the two-thirds turnout requirement. End Summary.

Referendum and Elections

12. (SBU) On October 23, Minister of Presidential Affairs Luka Biong told Charge and PolOff that President Salva Kiir had called an emergency Polit-Bureau meeting to discuss the SPLM boycott in the National Assembly as well as address outstanding CPA implementation issues. Biong told us that the SPLM is developing a comprehensive strategy for CPA implementation, but would like to see another round of trilaterals soon to address outstanding issues. He also explained that the SPLM drafted the Abyei and Popular Consultation Laws, but believes the SPLM boycott at the National Assembly will continue.

13. (SBU) The SPLM publicly announced on October 24 that they would not accept the two-thirds referendum turnout requirement proposed by the NCP, and would continue to boycott the National Assembly until real progress is made on reforming laws to ensure democratization and free and fair elections. The SPLM agreed to a simple majority - 50 percent plus one - for both referendum turnout requirements and approval of either a union or secession outcome. SPLM Secretary General Pagan Amun publicly stated that the SPLM boycott would continue until all the required laws are brought into a package with a timetable. The laws include those legislating the 2011 referendum, Abyei region, popular consultations in the two areas, reform of the criminal code, trade unions and the national security sector.

Single Track - Nhial Taking Lead

¶4. (SBU) The Minister of Agriculture and Forestry, Samson Kwaja, told Charge and PolOff on October 26 that during the Polit-Bureau meeting the SPLM had decided to streamline all the CPA processes under one person appointed by Kiir. The appointed person would oversee the bilateral process, the trilateral process as well as the Crisis Management Committee. While Kiir has not appointed anyone yet, Kwaja intimated that Minister of SPLA Affairs Nhial Deng Nhial would soon be named by Kiir to oversee this new process.

More IGAD Involvement

¶5. (SBU) Kwaje also called on the USG to involve the IGAD countries in the next round of trilaterals, as the SPLM would like to see IGAD more engaged. Moreover, Kwaje criticized the new U.S. policy on Sudan, in that it never specifically mentioned IGAD involvement. He told us that IGAD countries had already raised their concerns with the SPLM, with the countries stating that the U.S. had left them out on purpose. The most recent IGAD Council of Ministers meeting was postponed on October 21, when the NCP failed to send a delegation to Kampala. IGAD Council of Ministers rescheduled the meeting to be held in Djibouti for November 16-17.

NCP Visit to the South and Reaction to SPLM

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¶6. (SBU) On October 23, the NCP presidential Advisor Nafi Ali Nafi traveled to Juba to meet with NCP members in Southern Sudan. This visit came two days after the NCP failed to send a representative to attend the latest IGAD Council of Ministers meeting on CPA Implementation Process on October 21. Kwaja told us that the NCP had harshly criticized the SPLM's rejection of the proposed two-thirds referendum turnout requirement.

¶7. (C) Comment: Our analysis indicates that the referendum act hinges on percentages, with the elections census issue hinging on a political deal maintaining the SPLM's desired 30 percent of executive and legislative power. The reaction of the NCP, which has already ceded on a number of points and earlier believed it has signed a package deal, remains uncertain. Kwaja's comments on changing CPA leadership mid-stream are unconfirmed, and the political ramifications in Juba of such a change remain unsounded. End comment.
WHITEHEAD